IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6739 OF 2005
IN
CRIMINAL APPEAL NO. 908 OF 2005

Vikas Sadashiv Mohite & Ors ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. R.V. More, Advocate for Applicant

Mr. U.V. Nikam, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail. The applicants have been convicted under Section 498-A and 306 r.w. 34 of I.P.C. and sentenced R.I. for three years.

3. It is stated by the learned advocate for the applicants that the applicant were on bail pending the trial and this liberty has not been misused by them. This statement has not been controverted by the prosecution. Mr. More has submitted that the applicant No.2 is lady and applicant No.3 is nearing

60 years of age, hence, bail may be granted to these applicants. It is further submitted by the learned advocate for the applicants that the maximum sentence imposed on the applicants is three years and this appeal is not likely to be heard within the said time.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. Looking to the above facts and evidence on record, I am inclined to grant bail.

5. Each of the applicants i.e. applicant Nos. (1) Vikas Sadashiv Mohite, (2) Sou. Parutai Sadashiv Mohite and (3) Sadashiv Kashinath Mohite to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. During the pendency of appeal the applicant Nos. 1 and 3 shall report on first Sunday of every month to Kadegaon police station.

6. Application is disposed of.

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